

AN ACT

relating to the possession and emergency administration of an epinephrine auto-injector by law enforcement agencies and peace officers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 1701, Occupations Code, is amended by adding Subchapter O to read as follows:

SUBCHAPTER O. EMERGENCY ADMINISTRATION OF EPINEPHRINE

Sec. 1701.701. DEFINITIONS. In this subchapter:

(1) "Anaphylaxis" means a sudden, severe, and potentially life-threatening allergic reaction that occurs when a person is exposed to an allergen.

(2) "Epinephrine auto-injector" means a disposable medical drug delivery device that contains a premeasured single dose of epinephrine intended for use to treat anaphylaxis.

(3) "Physician" means a person who holds a license to practice medicine in this state.

Sec. 1701.702. ADMINISTRATION OF EPINEPHRINE. (a) A law enforcement agency may acquire and possess epinephrine auto-injectors and a peace officer may possess and administer an epinephrine auto-injector in accordance with this subchapter.

(b) A peace officer may possess and administer an epinephrine auto-injector only if the peace officer has successfully completed training in the use of the device in a course

1 approved by the commission.

2 (c) The commission, in consultation with the Department of  
3 State Health Services, shall approve a training course on the  
4 administration of an epinephrine auto-injector.

5 Sec. 1701.703. PRESCRIPTION OF EPINEPHRINE. (a) A  
6 physician, or a person who has been delegated prescriptive  
7 authority under Chapter 157, Occupations Code, may prescribe  
8 epinephrine auto-injectors in the name of a law enforcement agency.

9 (b) A physician or other person who prescribes epinephrine  
10 auto-injectors under Subsection (a) shall provide the law  
11 enforcement agency with a standing order for the administration of  
12 an epinephrine auto-injector to a person reasonably believed to be  
13 experiencing anaphylaxis.

14 (c) A standing order under Subsection (b) is not required to  
15 be patient-specific. An epinephrine auto-injector may be  
16 administered under this subchapter to a person without a previously  
17 established physician-patient relationship.

18 (d) Notwithstanding any other law, supervision or  
19 delegation by a physician is considered adequate if the physician:

20 (1) periodically reviews the order; and

21 (2) is available through direct telecommunication as  
22 needed for consultation, assistance, and direction.

23 (e) An order issued under this section must contain:

24 (1) the name and signature of the prescribing  
25 physician or other person;

26 (2) the name of the law enforcement agency to which the  
27 order is issued;

1           (3) the quantity of epinephrine auto-injectors to be  
2 obtained and maintained under the order; and

3           (4) the date the order was issued.

4           (f) A pharmacist may dispense an epinephrine auto-injector  
5 to a law enforcement agency without requiring the name of or any  
6 other identifying information relating to the user.

7           Sec. 1701.704. MAINTENANCE AND ADMINISTRATION OF  
8 EPINEPHRINE AUTO-INJECTORS. A law enforcement agency that acquires  
9 and possesses epinephrine auto-injectors under this subchapter  
10 shall adopt and implement a policy regarding the maintenance,  
11 administration, and disposal of the epinephrine auto-injectors.  
12 The policy must:

13           (1) establish a process for the agency to check the  
14 inventory of epinephrine auto-injectors at regular intervals for  
15 expiration and replacement; and

16           (2) require that the epinephrine auto-injectors be  
17 stored in a secure location.

18           Sec. 1701.705. NOTIFICATION OF ADMINISTRATION OF  
19 EPINEPHRINE AUTO-INJECTOR. After an officer administers an  
20 epinephrine auto-injector under this subchapter, the law  
21 enforcement agency shall notify the physician or other person who  
22 prescribed the epinephrine auto-injector of:

23           (1) the age of the person to whom the epinephrine  
24 auto-injector was administered; and

25           (2) the number of epinephrine auto-injector doses  
26 administered to the person.

27           Sec. 1701.706. GIFTS, GRANTS, AND DONATIONS. A law

enforcement agency may accept gifts, grants, donations, and federal and local money to implement this subchapter.

Sec. 1701.707. NOT PRACTICE OF HEALTH CARE. The administration by a peace officer of an epinephrine auto-injector to a person in accordance with the requirements of this subchapter or commission rules does not constitute the unlawful practice of any health care profession.

Sec. 1701.708. IMMUNITY FROM LIABILITY. (a) A person who in good faith takes, or fails to take, action relating to the prescription of an epinephrine auto-injector to a law enforcement agency or the administration of an epinephrine auto-injector by a peace officer is immune from civil or criminal liability or disciplinary action resulting from that action or failure to act, including:

- (1) issuing an order for epinephrine auto-injectors;
- (2) supervising or delegating the administration of an epinephrine auto-injector;
- (3) possessing, maintaining, storing, or disposing of an epinephrine auto-injector;
- (4) prescribing an epinephrine auto-injector;
- (5) dispensing an epinephrine auto-injector;
- (6) administering, or assisting in administering, an epinephrine auto-injector;
- (7) providing, or assisting in providing, training, consultation, or advice in the development, adoption, or implementation of policies, guidelines, rules, or plans; or
- (8) undertaking any other act permitted or required

1 under this subchapter.

2 (b) The immunities and protections provided by this  
3 subchapter are in addition to other immunities or limitations of  
4 liability provided by law.

5 (c) Notwithstanding any other law, this subchapter does not  
6 create a civil, criminal, or administrative cause of action or  
7 liability or create a standard of care, obligation, or duty that  
8 provides a basis for a cause of action for an act or omission under  
9 this subchapter.

10 (d) An act or omission described by this subchapter does not  
11 create a cause of action.

12 Sec. 1701.709. GOVERNMENTAL IMMUNITY NOT WAIVED. This  
13 subchapter does not waive governmental immunity from suit or  
14 liability.

15 SECTION 2. As soon as practicable after the effective date  
16 of this Act, the Texas Commission on Law Enforcement shall approve a  
17 training course consistent with Section 1701.702, Occupations  
18 Code, as added by this Act.

19 SECTION 3. This Act takes effect September 1, 2019.

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President of the Senate

\_\_\_\_\_  
Speaker of the House

I hereby certify that S.B. No. 1827 passed the Senate on April 11, 2019, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 23, 2019, by the following vote: Yeas 31, Nays 0.

\_\_\_\_\_  
Secretary of the Senate

I hereby certify that S.B. No. 1827 passed the House, with amendment, on May 17, 2019, by the following vote: Yeas 146, Nays 1, two present not voting.

\_\_\_\_\_  
Chief Clerk of the House

Approved:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Governor